

AMENDED IN SENATE JUNE 20, 2005

SENATE BILL

No. 1040

Introduced by ~~Senator Hollingsworth~~ *Senators Dunn and Hollingsworth*

(~~Coauthor: Assembly Member Pleseia~~)

February 22, 2005

An act to amend Section ~~68075~~ *68120* of the Education Code, relating to public postsecondary education, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1040, as amended, ~~Hollingsworth~~ *Dunn*. Public postsecondary education: ~~resident classification; fees and tuition; waiver; survivors of deceased law enforcement and firefighting personnel.~~

Existing law establishes uniform student residency requirements for purposes of ascertaining the amount of tuition and fees to be paid by students of public postsecondary education institutions. Existing law entitles an undergraduate student at a campus of the California State University or the California Community Colleges to resident classification for the purpose of determining tuition and fees, if that student is a member of the armed forces of the United States stationed in this state on active duty. Existing law entitles a graduate student at the California State University to resident classification for the purpose of determining tuition and fees, for no more than one academic year, if that student is a member of the armed forces of the United States stationed in this state on active duty. Members of the armed forces assigned for educational purposes to a state-supported institution of higher education are excepted from these residency classifications. Existing law requests the Regents of the University of

~~California to establish the same residency requirements for students enrolled at the University of California.~~

Existing law requires the Regents of the University of California, the Board of Directors of the Hastings College of the Law, and the Trustees of the California State University to excuse the mandatory systemwide tuition and fees of any surviving spouse or surviving child, natural or adopted, of a deceased person who was a resident of the state, who was employed by a public agency, or who was a contractor, or who was an employee of a contractor, as defined, whose principal duties consisted of active law enforcement service or active fire suppression and prevention, and who was killed in the performance of those duties. This provision is applicable to the Regents of the University of California only if the regents, by resolution, make it applicable.

~~This bill would eliminate the one-year limitation on resident classification for graduate students, and would additionally entitle members of the military reserves and military veterans, as defined, as well as members of the immediate families of those persons, as defined, to resident classification. The bill would request the Regents of the University of California to establish the same residency requirements as those established by this bill for students enrolled at the University of California add a stepchild living or domiciled with the deceased person at the time of his or her death to the categories of survivors for whom the waiver of mandatory systemwide fees or tuition is authorized by this provision.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 68120 of the Education Code is
- 2 amended to read:
- 3 68120. (a) Notwithstanding any other provision of law, no
- 4 mandatory systemwide fees or tuition of any kind shall be
- 5 required of or collected by the Regents of the University of
- 6 California, the Board of Directors of the Hastings College of the
- 7 Law, or the Trustees of the California State University from any

1 surviving spouse or surviving child, ~~natural or adopted~~, of a
2 deceased person who met all of the following requirements:

3 (1) He or she was a resident of this state.

4 (2) He or she was employed by a public agency, or was a
5 contractor, or an employee of a contractor, performing services
6 for a public agency.

7 (3) His or her principal duties consisted of active law
8 enforcement service or active fire suppression and prevention.
9 This section shall not apply to a person whose principal duties
10 were clerical, even if he or she was subject to occasional call or
11 was occasionally called upon to perform duties within the scope
12 of active law enforcement or active fire suppression and
13 prevention.

14 (4) He or she was killed in the performance of active law
15 enforcement or active fire suppression and prevention duties, or
16 died as a result of an accident or an injury caused by external
17 violence or physical force, incurred in the performance of his or
18 her active law enforcement or active fire suppression and
19 prevention duties.

20 (b) Notwithstanding subdivision (a), a person who qualifies
21 for the waiver of mandatory systemwide fees and tuition under
22 this section as a surviving child of a contractor, or of an
23 employee of a contractor, who performed services for a public
24 agency shall, in addition to the requirements set forth in
25 subdivision (a), meet both of the following requirements:

26 (1) Enrollment as an undergraduate student at a campus of the
27 University of California or the California State University.

28 (2) Documentation that his or her annual income, including the
29 value of any support received from a parent, does not exceed the
30 maximum household income and asset level for an applicant for
31 a Cal Grant B award, as set forth in Section 69432.7.

32 (c) As used in this section:

33 (1) “Contractor” or “employee of a contractor” does not
34 include a security guard or security officer, as defined in Section
35 7582.1 of the Business and Professions Code.

36 (2) “Public agency” means the state or any city, city and
37 county, county, district, or other local authority or public body of
38 or within the state.

1 (3) “Surviving child” means a natural or adopted child of the
2 deceased person, or a stepchild living or domiciled with the
3 deceased person at the time of his or her death.

4 SEC. 2. This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety
6 within the meaning of Article IV of the Constitution and shall go
7 into immediate effect. The facts constituting the necessity are:

8 In order to prevent imminent hardship to students who are
9 deserving of the waiver of mandatory systemwide fees and tuition
10 that is provided by Section 68120 of the Education Code, it is
11 necessary that this act take effect immediately.

12 ~~SECTION 1. Section 68075 of the Education Code is~~
13 ~~amended to read:~~

14 ~~68075. (a) An undergraduate student who is a member of the~~
15 ~~armed forces of the United States stationed in this state on active~~
16 ~~duty, a member of the armed forces reserves, a veteran, as~~
17 ~~defined in Section 88113, or a member of his or her immediate~~
18 ~~family, other than a member of the armed forces assigned for~~
19 ~~educational purposes to a state-supported institution of higher~~
20 ~~education, is entitled to resident classification only for the~~
21 ~~purpose of determining the amount of tuition and fees.~~

22 ~~(b) A student seeking a graduate degree who is a member of~~
23 ~~the armed forces of the United States stationed in this state on~~
24 ~~active duty, a member of the armed forces reserves, a veteran, as~~
25 ~~defined in Section 88113, or a member of his or her immediate~~
26 ~~family, other than a member of the armed forces assigned for~~
27 ~~educational purposes to a state-supported institution of higher~~
28 ~~education, shall be entitled to resident classification only for the~~
29 ~~purpose of determining the amount of tuition and fees.~~

30 ~~(c) As used in this section, “member of his or her immediate~~
31 ~~family” includes the spouse, children, stepchildren, and wards of~~
32 ~~the armed forces member, reserve member, or veteran, as well as~~
33 ~~any persons for whom the armed forces member, reserve~~
34 ~~member, or veteran is a legal guardian. As used in this section,~~
35 ~~“member of his or her immediate family” does not include a~~
36 ~~cousin, uncle, aunt, niece, or nephew of the armed forces~~
37 ~~member, reserve member, or veteran.~~

38 ~~SEC. 2. The Legislature hereby requests the Regents of the~~
39 ~~University of California to establish the same residency~~
40 ~~classifications for students enrolled at the University of~~

- 1 ~~California as those enacted by Section 68075 of the Education~~
- 2 ~~Code, as amended by Section 1 of this act.~~

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